

REMARKS

Claims 1-4 have been rejected under 35 U.S.C. § 102 as being anticipated by a publication entitled "Netscape Publishing System, Merchant System, and Community Systems Enabled Creation of Large-Scale Commercial Enterprises on the Net" (hereinafter "Netscape Merchant System"). The Applicant respectfully disagrees with this rejection. The Netscape Merchant System does not anticipate either the online shopping system claimed in amended independent claim 1, or the method for establishing the online shopping system claimed in new independent claim 7.

The Netscape Merchant System, according to line 29, "enables large retailers or merchants to create and manage virtual shopping malls." For example, according to lines 33-34, the Netscape Merchant System "allows the merchant to select multiple billing options such as cyclical billing, and provides order processing with options for payment, shipping and delivery." In similar fashion, the other functions available using the Netscape Merchant System are discussed broadly, and, although it discloses that a Netscape Commerce Server is used to facilitate application of the Netscape Merchant System, there is no specific mention of how an online service provider could establish an online shopping system to allow retailers or merchants to maintain their own virtual shops.

Unlike the Netscape Merchant System, the present invention provides for an online shopping system for various retailers to operate various virtual shops. Each of the various retailers maintains their virtual shop using a virtual shop retailer system (11) including a terminal, a web server, a database, and an application server. The virtual shop retailer system (11) can be formed from components provided by the retailer, and, if necessary, components provided by the online service provider. For example, according to page 9, lines 18-21, an e-commerce support system (21) is provided so that each retailer can establish a virtual shop retailer system (11) "using any of the functions of the e-commerce support system . . . which the retailer does not have or the ones that does have but does not use due to the differences in performance." As such, the virtual shop retail system (11) for each retailer is completed using a web

server, a database, or an application server provided by the retailer, or a web server, a database, or an application server provided by the e-commerce support system (21). Consequently, the virtual shop retailer system (11) enables retailers without such components to use those provided by the online service provider through the e-commerce support system (21).

The Netscape Merchant System does not disclose an online shopping system or a method for establishing an online shopping system capable of using a web server, a database, or an application server provided by a retailer or provided by the online service provider to establish a virtual shop retailer system (11) for maintaining a virtual shop. At the very most, the Netscape Merchant System indicates that applications which enable companies to conduct full-scale electronic commerce on the Internet are available, but does not disclose with any specificity the system necessary to accomplish such full-scale electronic commerce. However, "to be considered a § 102(b) reference, the item [or printed publication] must sufficiently describe the claimed invention to have placed the public in possession of it ... the disclosure must be such as will give possession of the invention to the person of ordinary skill." *Senior Technologies, Inc. v. R.F. Technologies*, 58 F.Supp.2d 1076, 1092-93 (D. Neb. 1999).

In conclusion, because the Netscape Merchant System merely announces the availability of applications with functions that enable companies to conduct full-scale electronic commerce on the Internet, but does not disclose with any specificity the system necessary for its accomplishment, it is submitted that the online shopping system or the method for establishing an online shopping system capable of using a web server as claimed in amended independent claim 1 and new independent claim 7, respectively, is in no way taught by the Netscape Merchant System. Consequently, independent claims 1 and 7 are deemed allowable, and claims 3-6 and 8-11, due to their dependancy from allowable independent claims, are also deemed allowable. The issuance of a Notice of Allowance of claims 1 and 3-11 is therefore respectfully requested.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

A handwritten signature in cursive script, reading "Edward G. Greive", written over a horizontal line.

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